

**Exhibit 3 to Plaintiff's  
Supplemental Opposition to  
Defendant Benton Express, Inc.'s  
Motion for Summary Judgment**

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION  
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5 HAZEL M. ROBY, as Administratrix of the  
6 Estate of RONALD TYRONE ROBY, Deceased,  
7 Plaintiff,  
8

9 vs. CIVIL ACTION NO.: 2:05CV194-T

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11 BENTON EXPRESS, INC., et al.,  
12 Defendants.  
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\* \* \* \* \*

15 VIDEO DEPOSITION OF LISA WARR, taken  
16 pursuant to notice and stipulation on behalf  
17 of the Defendants, at the law offices of  
18 Beasley, Allen, Crow, Methvin, Portis &  
19 Miles, Montgomery, Alabama, before Bridgette  
20 Mitchell, Shorthand Reporter and Notary  
21 Public in and for the State of Alabama at  
22 Large, on December 13, 2005, commencing at  
23 1:57 p.m.

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1 MR. BROCKWELL: Object to the form.

2 A. Are you talking about the officer's opinion  
3 of what happened?

4 Q. Yes.

5 A. Okay. Said, Vehicle No. 1 was traveling  
6 south on Interstate 85. A witness stated  
7 vehicle No. 1 had been driving erratically.  
8 vehicle No. 1 approached Interstate 85 south  
9 and the Day Street exit and crashed into  
10 guardrail cushion. Vehicle No. 1 then  
11 traveled up onto the concrete guardrail  
12 where it had left the overpass and landed on  
13 Interstate 65 south, colliding with vehicle  
14 No. 2, which was traveling southbound in the  
15 right-hand lane. Both vehicles came to --  
16 came to an uncontrolled rest.

17 Q. Based on the first part of it, would that be  
18 accurate based on your recollection what you  
19 told the police, that Vehicle No. 1 was  
20 traveling south on 85, meaning the truck was  
21 vehicle 1?

22 A. Yes.

23 Q. And would it also be accurate as you being a

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1 witness that Vehicle No. 1 had been driving  
2 erratically?

3 A. Yes.

4 Q. And would that have been something you have  
5 told the police officer?

6 A. Yes.

7 Q. And would you have also confirmed with the  
8 police officer that Vehicle 1 approached  
9 Interstate 85 south and the Day Street exit  
10 and crashed into the guardrail cushion?

11 A. Correct.

12 Q. And that Vehicle No. 1, the truck, then  
13 traveled up onto the concrete guardrail  
14 where it left the overpass and landed on  
15 Interstate 65 south?

16 A. Yes.

17 Q. I know you talked about a red sports car  
18 earlier.

19 A. Right.

20 Q. When you say "sports car," I imagine some  
21 things when I say --

22 A. Okay.

23 Q. -- red sports car. And I'm just trying to

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1 get more detail on the red sports car. When  
2 you say red sports car, do you mean a small